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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 C.S. et. al.,

12 Plaintiffs,

13 vs.

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15 CALIFORNIA DEPARTMENT OF
16 EDUCATION,

17 Defendant.

CASE NO. 08-CV-0226 W (AJB)

ORDER (1) GRANTING
PLAINTIFF'S EX PARTE
REQUEST FOR LEAVE TO
FILE SUR-REPLY (Doc. No. 29);
(2) DENYING PLAINTIFF'S EX
PARTE MOTION FOR ORDER
TO SHOW CAUSE WHY
DEFENDANT SHOULD NOT
BE ORDERED TO FILE AN
ANSWER AS MOOT (Doc. No.
24.)

18 On March 7, 2008 potential intervenor Ron Diedich ("Intervenor") moved to
19 intervene in this action and moved to shorten the time hear the intervenor motion.
20 (Doc. Nos. 13, 14.) The Court partially granted Intervenor's motion and instructed
21 Plaintiff to file an opposition to the motion by March 24, 2008. (Doc. No. 18.) At the
22 time, Defendant California Department of Education ("Defendant") had not yet filed
23 an answer.

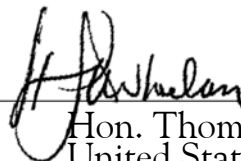
24 On March 24, 2008 Plaintiff C.S. et. al. ("Plaintiff") filed an opposition and
25 moved *ex parte* for an order to show cause why Defendant should not be ordered to file
26 an answer to the complaint. (Doc. Nos. 21,24.) On March 25, 2008 Defendant filed
27 its Answer. (Doc. No. 26.)

28 On April 1, 2008 Plaintiff again moved *ex parte* for leave to file a sur-reply,

1 arguing that Defendant's Answer contained relevant information which Plaintiff felt
2 needed to be addressed in light of the pending motion to intervene. (Doc. No. 29.)
3 Good cause showing, the Court **GRANTS** Plaintiff's motion, and Plaintiff is instructed
4 to file and serve a sur-reply by Friday, April 4, 2008. As Defendant has since filed an
5 Answer, the Court **DENIES AS MOOT** Plaintiff's motion for an order to show cause
6 why Defendant should not be ordered to file an answer. (Doc. No. 24.)
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8 **IT IS SO ORDERED.**
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10 DATED: April 1, 2008

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13 Hon. Thomas J. Whelan
14 United States District Judge
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